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8  
9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF NEVADA**  
11

12 THE UNITED STATES OF AMERICA,  
13  
Plaintiff,

14 v.

15 ORR WATER DITCH COMPANY, et  
16 al.,  
17 Defendants.

INEQUITY

Case No. 3:73-CV-00003-MMD

18 **ORDER APPROVING AGREEMENT OF FUNDING PARTIES FOR**  
19 **APPROVAL OF TRUCKEE RIVER OPERATING AGREEMENT BUDGET FOR**  
20 **FISCAL YEAR OCTOBER 1, 2024, TO SEPTEMBER 30, 2025**

21 Pursuant to Section 2.C.3 of the Truckee River Operating Agreement dated September 6,  
22 2008, the required approval is needed of a majority of the three Funding Parties, to wit: The United  
States of America, the State of California and the State of Nevada.

23 The Federal Water Master, Chad Blanchard, the designated Administrator ("Federal Water  
24 Master"), herein, submits to the Court, that the Court previously approved by Order signed March  
25 20, 2024, the "tentative" budget for the fiscal year October 1, 2023, to September 30, 2024. This  
26 tentative budget has been updated and the Federal Water Master now submits this budget to the  
27 Court as his "proposed" budget for the fiscal year October 1, 2024, to September 30, 2025. This  
28 Agreement is signed by the required majority of the Funding Parties and the proposed budget is

attached hereto as Exhibit "A". The proposed budget is the sum of \$1,750,000.00, which sum will be paid from the Funding Parties per their previously agreed percentages as follows:

United States of America	\$ 700,000.00
State of Nevada	700,000.00
State of California	<u>350,000.00</u>
	\$1,750,000.00

The Federal Water Master is asking for the Court to approve this proposed budget.

The Federal Water Master, Chad Blanchard, also submits for approval by the Funding Parties, his proposed tentative budget for the Truckee River Operating Agreement for fiscal year October 1, 2025, to September 30, 2026, as Exhibit "B" attached hereto. The projected budget is the sum of \$1,937,500.00, which sum will be paid from the assessment of the Funding Parties per their previously agreed to percentages as follows:

United States of America	\$ 775,000.00
State of Nevada	775,000.00
State of California	<u>387,500.00</u>
	\$1,937,500.00

The Federal Water Master also submits for approval by the Funding Parties, his proposed tentative budget for the fiscal year October 1, 2026, to September 30, 2027, as Exhibit "C" attached hereto. The projected budget is the sum of \$2,000,000.00, which sum will be paid from the assessment of the Funding Parties as follows:

United States of America	\$ 800,000.00
State of Nevada	800,000.00
State of California	<u>400,000.00</u>
	\$2,000,000.00

In addition, TROA section 7(A)(2)(b)(3) provides "[i]n addition to any fees that may be charged by United States, [Washoe County Water] Conservation District may impose fees [Annual Fee] for its calculated annual cost of operation and maintenance of Boca Dam and Reservoir performed in accordance with this agreement".

The Conservation District shall provide this information to the Federal Water Master on or before November 1, 2024, and continue to provide the information by November 1 of each subsequent year.

1 The Average Proportion of Flow for the Annual Fee shall be calculated by the Federal Water  
 2 Master based on a running average as provided in section 7(A)(2)(b)(3), beginning with the water  
 3 year ending September 30, 2021.

4 No later than January 15, 2025, Federal Water Master's Annual Fee calculations shall be  
 5 communicated to the Parties.

6 The Parties agree to pay the Federal Water Master for their apportioned share of the Annual  
 7 Fee no later than April 30 each year based upon the latest calculation of the Annual Fee as  
 8 determined by the Federal Water Master.

9 The second Annual Fee has been calculated to be \$102,316.15 (Exhibit "D") and shall be  
 10 paid by the Parties no later than April 30, 2025, as follows:

11	United States of America	\$45,527.27
12	State of Nevada	\$40,926.46
13	State of California	<u>\$15,862.42</u>
	Total Annual Fee	\$102,316.15

14 The Federal Water Master shall distribute the Annual Fee collected for the Boca Account to  
 15 the Conservation District within 30 days upon receipt of all funds.

16 The Federal Water Master shall include an accounting of fees collected and distributed in  
 17 the Boca Account in his annual audited financial report to be filed with this Court.

18 These proposed tentative budgets are designed to give the Parties notice, and ample time to  
 19 prepare for future budgets for the Truckee River Operating Agreement and the Water Master  
 20 proposes to continuously provide two years of "tentative" budgets along with the "proposed" current  
 21 budget. Signatures to this Agreement are not bound by these budgets, as costs and expenses may  
 22 vary from year to year as circumstances may change, and actual budgets are submitted each year.  
 23 Any and all surpluses of income over expenses shall be held in reserve by the Federal Water Master  
 24 to be used for any budget short falls or unanticipated expenses.

25 The Federal Water Master, Chad Blanchard, also submits to the Court for its approval the  
 26 audited Financial Report for Administration of the Truckee River Operating Agreement filed for the  
 27 fiscal year October 1, 2023, to September 30, 2024.

28 This Agreement may be executed in two or more counterparts (including by facsimile or by



1 an electronic scan delivered by electronic mail), each of which shall be deemed an original, but all  
2 of which together shall be considered one and the same agreement, and shall become effective when  
3 counterparts have been signed by the majority of the Funding Parties hereto and delivered to the  
4 other Funding Parties, it being understood that the majority of the Funding Parties need not sign the  
5 same counterpart.

6 By executing this document, the parties hereby give their approval of the Budget as  
7 submitted and submit the same to the Court for its approval.

8 DATED THIS 23 DAY OF DECEMBER 2024.


9  
10 **U.S. DISTRICT COURT WATER MASTER**

11  
12 By:

  
13 CHAD BLANCHARD

14 **GUILD, GALLAGHER & FULLER, LTD.**

15  
16 By:

  
17 JOHN K. GALLAGHER, ESQ.  
Nevada State Bar No. 956  
18 PATRICK H. GALLAGHER, ESQ.  
Nevada State Bar No. 14875  
19 100 West Liberty Street, Suite 800  
Reno, NV 89501  
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21 *Attorneys for U.S. District Court Water Master*

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28 ///


**UNITED STATES OF AMERICA**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**STATE OF NEVADA**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**STATE OF CALIFORNIA**

By:  \_\_\_\_\_  
Print Name: Juan Escobar  
Title: Principal Engineer, WR  
Date: 1/9/2025

**APPROVED BY THIS COURT**

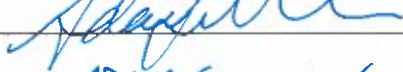
Date: \_\_\_\_\_

By: \_\_\_\_\_  
United States District Judge

1 **UNITED STATES OF AMERICA**

2  
3 By: \_\_\_\_\_  
4 Print Name: \_\_\_\_\_  
5 Title: \_\_\_\_\_  
6 Date: \_\_\_\_\_  
7

8 **STATE OF NEVADA**


9  
10 By:  \_\_\_\_\_  
11 Print Name: ADAM SULLIVAN  
12 Title: STATE ENGINEER  
13 Date: 3/25/25  
14

15 **STATE OF CALIFORNIA**

16  
17 By: \_\_\_\_\_  
18 Print Name: \_\_\_\_\_  
19 Title: \_\_\_\_\_  
20 Date: \_\_\_\_\_

21 **APPROVED BY THIS COURT**

22 Date: March 26, 2025

23  
24 By:  \_\_\_\_\_  
25 United States District Judge  
26

27 **EXHIBIT LIST**

28 A. Proposed Budget for the Truckee River Operating Agreement for the Fiscal Year October

EXHIBIT LIST

- A. Proposed Budget for the Truckee River Operating Agreement for the Fiscal Year October 1, 2024, to September 30, 2025.
- B. Proposed Tentative Budget for the Truckee River Operating Agreement for Fiscal Year October 1, 2025, to September 30, 2026.
- C. Proposed Tentative Budget for the Truckee River Operating Agreement for Fiscal Year October 1, 2026, to September 30, 2027.
- D. Proposed Budget for Boca Dam and Reservoir Account for Fiscal Year ending September 30, 2025.

**Exhibit "A"****In Equity 3:73-cv-0003-MMD**

U.S. District Court - Chad J Blanchard, TROA Administrator  
Truckee River Operating Agreement Administration

**Proposed Budget**

**Statements of Revenues, Expenses and Retained Earnings**  
**Fiscal Year ending September 30, 2025**

**Budgeted Revenues**

Administrative Fees - United States	\$700,000
Administrative Fees - State of Nevada	\$700,000
Administrative Fees - State of California	<u>\$350,000</u>

**Total Budgeted Revenue** **\$1,750,000**

**Budgeted Expenses**

Computer Consulting, Software & Licensing	\$53,845
Depreciation	\$50,003
Habitat Restoration Fund	\$74,377
Hearing Officer	\$2,500
Payroll Taxes	\$68,471
Professional, Legal & Audit Fees	\$64,000
Rent, Telephone, Supplies & Overhead	\$115,176
RiverWare Modeling & Technical Consulting	\$5,000
Stream Gaging & Telemetry Data Retrieval	\$126,570
Travel & Conference	\$21,558
TROA Administration Staff & Benefits	<u>\$1,207,885</u>

**Total Budgeted Operating Expenses** **\$1,789,385**

<b>Budgeted Net Income (Loss)</b>	<b>-\$39,385</b>
Item Not Affecting Working Capital (Depreciation)	<u>50,003</u>

<b>Total Budgeted Working Capital Provided</b>	<b>\$10,618</b>
Working Capital Applied To Budgeted Equipment Acquisitions	<u>-64,200</u>

**Budgeted Increase (Decrease) in Working Capital** **-\$53,582**



**Exhibit "B"****In Equity 3:73-cv-0003-MMD**

U.S. District Court - Chad J Blanchard, TROA Administrator

Truckee River Operating Agreement Administration

**Tentative Budget****Statements of Revenues, Expenses and Retained Earnings****Fiscal Year ending September 30, 2026****Budgeted Revenues**

Administrative Fees - United States	\$775,000
Administrative Fees - State of Nevada	\$775,000
Administrative Fees - State of California	<u>\$387,500</u>

**Total Budgeted Revenue****\$1,937,500****Budgeted Expenses**

Computer Consulting, Software & Licensing	\$59,230
Depreciation	\$53,504
Habitat Restoration Fund	\$79,584
Hearing Officer	\$2,750
Payroll Taxes	\$73,264
Professional, Legal & Audit Fees	\$70,400
Rent, Supplies & Overhead	\$122,386
RiverWare Modeling & Technical Consulting	\$5,250
Stream Gaging & Telemetry Data Retrieval	\$139,227
Travel & Conference	\$23,713
TROA Administration Staff & Benefits	<u>\$1,339,176</u>

**Total Budgeted Operating Expenses****\$1,968,483****Budgeted Net Income (Loss)** **-\$30,983**Item Not Affecting Working Capital (Depreciation) \$53,504**Total Budgeted Working Capital Provided** **\$22,520**Working Capital Applied To Budgeted Equipment Acquisitions -\$30,000**Budgeted Increase (Decrease) in Working Capital****-\$7,480**

**Exhibit "C"****In Equity 3:73-cv-0003-MMD**

U.S. District Court - Chad J Blanchard, TROA Administrator

Truckee River Operating Agreement Administration

**Tentative Budget****Statements of Revenues, Expenses and Retained Earnings****Fiscal Year ending September 30, 2027****Budgeted Revenues**

Administrative Fees - United States	\$800,000
Administrative Fees - State of Nevada	\$800,000
Administrative Fees - State of California	<u>\$400,000</u>

<b>Total Budgeted Revenue</b>	<b>\$2,000,000</b>
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**Budgeted Expenses**

Computer Consulting, Software & Licensing	\$62,191
Depreciation	\$56,179
Habitat Restoration Fund	\$85,950
Hearing Officer	\$2,888
Payroll Taxes	\$76,927
Professional, Legal & Audit Fees	\$73,920
Rent, Supplies & Overhead	\$125,174
RiverWare Modeling & Technical Consulting	\$5,513
Stream Gaging & Telemetry Data Retrieval	\$146,188
Travel & Conference	\$24,899
TROA Administration Staff & Benefits	<u>\$1,367,619</u>

<b>Total Budgeted Operating Expenses</b>	<b>\$2,027,447</b>
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<b>Budgeted Net Income (Loss)</b>	<b>-\$27,447</b>
Item Not Affecting Working Capital (Depreciation)	<u>\$56,179</u>

<b>Total Budgeted Working Capital Provided</b>	<b>\$28,731</b>
Working Capital Applied To Budgeted Equipment Acquisitions	<u>-\$33,000</u>

<b>Budgeted Increase (Decrease) in Working Capital</b>	<b>-\$4,269</b>
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**Exhibit "D"**

**In Equity 3:73-cv-0003-MMD**

U.S. District Court - Chad J Blanchard, TROA Administrator  
Truckee River Operating Agreement Administration

**Proposed Budget**

**Administrator Statement of Annual Fees and Expenses**

**Fiscal Year ending September 30, 2025**

**BOCA DAM AND RESERVOIR ACCOUNT**

**Boca Dam and Reservoir Annual Fees**

United States of America	\$45,527.27
State of Nevada	\$40,926.46
State of California	<u>\$15,862.42</u>

**\$102,316.15**

**Total Annual Fees**

**Budgeted Operating Expenses**

Transfer to	
Washoe County Water Conservation District	<u>\$102,316.15</u>

<b>Total Budgeted Operating Expenses</b>	<b>\$102,316.15</b>
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<b>Budgeted Net Income (Loss)</b>	<b>\$0.00</b>
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